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# HOUSE NOTES

## The Latest News from the State Capitol Louisiana House of Representatives Regular Session Wrap-Up July 3, 2007

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The 2007 Regular Session is now a chapter for the history books. A limited number of general issue bills were allowed during this fiscal session and they covered a wide variety of issues from hurricane recovery to ethics, to cockfighting. And although some of these bills generated healthy debate, there was one dominant theme during this session - money. And the money issue came in many forms - a record surplus, breaking the spending cap, tax breaks, incentives, and pay raises for teachers, support workers, college faculty, judges, state employees, and others.

For the first time in recent history, [House Bill 1](#) bypassed conference and went straight to the governor's desk. Although she has taken no action on the bill at this time, the governor has signed [House Bill 765](#), the \$1.9 billion supplemental appropriations bill that earmarks surplus money and other funds for, among other things, a new charity hospital for New Orleans, \$600 million for road improvements, education, health initiatives, the shortfall in the Road Home program, and coastal restoration. Additionally, [House Bill 953](#) uses surplus money from the 2006-07 fiscal year for a variety of programs and obligations.

Also passing was [HCR10](#) which raised the spending cap for Fiscal Year 2006-2007 from \$10,318,239,142 to \$12,196,877,089.

The concurrent resolution has been filed with the secretary of state.

A number of bills granting tax breaks also passed and include the following.

### TAX CREDITS

Under [Senate Bill 361](#) the Dept. of Social Services would create a rating system for day care centers. Those with the best rating would get 5 stars and the worst would get one star. Qualified parents of children 5 years of age or less would receive tax credits ranging from \$1500 for children enrolled in the centers rated the best (5 stars) to \$750 for those centers receiving a two-star rating. There would be no tax credit for non-participating centers or those receiving a one-star rating.

Additionally, the day care center and its employees would be eligible for tax credits with the amount again depending upon the center's rating. The range for the centers is from \$1500 to \$750, and the break for directors and staff ranges from \$1,500 to \$3,000.

The bill awaits the governor's pen.

\* Current law provides for a phase-out of sales tax on manufacturing machinery and equipment with the tax fully eliminated by Fiscal Year 2011. [House Bill 633 \(Act 1\)](#) provides an immediate, full sales and use tax exclusion for machinery and equipment of motor vehicle manufacturers with a North American Industry Classification System Code beginning with 3361. This legislation was proposed to help GM's expansion in Shreveport. The tooling in a compression mold process would be considered manufacturing machinery and equipment. Political subdivisions may provide for an

exemption of such equipment, as well. The bill became effective upon signature of the governor.

\* [House Bill 464](#) provides that the sales and use tax exemption for purchases of utilities by certain steelworks, blast furnaces, coke ovens, and rolling mills which are classified by the Louisiana Department of Labor as SIC 3312 of the Standard Industrial Classification Code, and which employ more than 125 full-time employees becomes effective for all taxable periods beginning on or after July 1, 2007.

The legislation awaits gubernatorial consideration.

\* [House Bill 225](#) authorizes an annual "sales tax holiday" for the purchase of certain hurricane-preparedness items or supplies during the last weekend of May each year, and applies the tax exemption on the first \$1,500 of items purchased.

The bill awaits gubernatorial consideration.

\* [Senate Bill 341](#), which provides for a state tax credit equal to 3.5% of the federal earned income tax credit, effective for tax periods beginning January 1, 2008, has been sent to the governor.

\* [Senate Bill 32](#) grants an individual and corporate income tax deduction for any gratuitous grant, loan, or other benefit provided by the Road Home, the Louisiana Recovery Authority, or the Louisiana Family Recovery Corps if the benefit was included in federal adjusted gross income.

The legislation has been sent to the governor.

\* [House Bill 936](#) makes changes and modifications to the motion picture investor tax credits, especially with regard to state-certified infrastructure credits. Included are provisions deeming tax credits for

infrastructure projects to be earned at the time expenditures are made, consolidates the two tax credits for "state-certified infrastructure projects" approved by the Governor's Office of Film and Television Development on or after July 1, 2005 into one 40% tax credit for such base investment in excess of \$300,000 lasting until January 1, 2009 for state-certified infrastructure projects" which meet the criteria provided for in the proposed law and which are approved by the office, the secretary of DED, and the division of administration, provided that the total tax credit allowed for any one project cannot exceed \$25 million. The tax credit must be "earned" and may be "structured" as provided in proposed law.

The bill awaits the governor's signature.

## **TECHNICAL/COMMUNITY COLLEGE CAPITAL ENHANCEMENT FUND**

\* [Senate Bill 337](#) requires that a portion of the oil and gas severance tax revenues be used to create the Technical College - Community College Capital Enhancement Fund. The fund is to be appropriated each fiscal year by the legislature to the Board of Supervisors of Community and Technical Colleges for planning, development, or capital improvements for technical colleges and community colleges, in consultation with the Board of Regents. Senate Bill 337 provides for a list of projects totaling \$151 million and allows for an additional 15% funding for contingencies.

The bill awaits gubernatorial consideration.

## **HOMEOWNER'S BILL OF RIGHTS**

\* [HCR 11](#) authorizes and directs the State Licensing Board for Contractors to work with the attorney general to develop legislation creating a homeowner's bill of rights to protect homeowners from unscrupulous contractors, particularly in those areas impacted by Hurricane Katrina.

The concurrent resolution directs the board and the attorney general to provide a

written report to the legislature detailing their combined efforts to accomplish these goals and make recommendations for any necessary legislation by January 1, 2008.

The resolution passed both houses and has been filed with the secretary of state.

## **INSURANCE**

\* Insureds who build or retrofit a structure to comply with the State Uniform Construction Code or install mitigation improvements to reduce the amount of loss from a windstorm or hurricane will receive a discount, credit, rate differential, adjustment in deductible, or other adjustment to reduce their insurance premium under [House Bill 558](#). The bill also requires the commissioner of insurance to promulgate rules and regulations, including the inspection and certification requirements for insureds who comply, to implement the provisions of this bill no later than July 1, 2008.

House Bill 558 awaits gubernatorial consideration.

\* [House Bill 960](#) abolishes the Louisiana Insurance Rating Commission (LIRC) and transfers all of its powers, duties and functions to the office of property and casualty within the Department of Insurance. The bill also creates the office of consumer advocacy within the Department of Insurance.

The office of property and casualty would regulate all insurance rates or rate changes for property and casualty insurance lines, including the authority to provide for and enforce these rate changes.

The bill awaits gubernatorial action.

\* [Senate Bill 153](#) requires Citizens Property Insurance Corporation, the state's "insurer of last resort" for residential and commercial property applicants who cannot obtain insurance through the voluntary market, to bundle their policies in groups of not less than 500 and offer them for sale to private insurers not less than once per calendar year.

Policies issued under the Coastal Plan and Fair Plan must be included. The bill requires that these policies include geographic and risk characteristics that served to reduce the corporation's exposure. Further, 25% of the policies which are bundled must be policies which provide coverage to structures located in the parishes where the wind and flood mitigation requirements prescribed in present law apply. Also, at least 75% of net premiums which are received from policyholders shall be from insurance policies covering single-family residential structures, residential duplex structures, or residential fourplex structures.

Every insurer authorized to write property insurance in the state to submit a take-out plan to the corporation for the bundled policies and requires that the corporation then submit the take-out plan to the Department of Insurance for review and approval based on certain criteria. The take-out company must have an A- rating with A.M. Best, or it's equivalent, but in no event shall the surplus requirements of the take-out company be less than the surplus requirements of any company in the state.

The bill has been sent to the governor and, if signed, the proposed law becomes effective November 1, 2007.

\* [House Bill 678](#) establishes the Insure Louisiana Incentive Program, a state match grant program for property insurers who commit to writing new business in Louisiana.

The purpose of the program is to foster economic development and stability in Louisiana by encouraging additional insurers to participate in the voluntary property insurance market. Further, the bill seeks to increase the availability of property insurance, to provide competitive insurance rates, and to substantially reduce the volume of business written by Louisiana Citizens Property Insurance Corporation, thereby providing a less expensive alternative to its policyholders and reducing Citizens' exposure to an increased deficit and future assessments.

The bill provides that the commissioner of insurance shall issue a public invitation to insurers to submit grant applications. In initial applications, the minimum grant award would be not less than \$2 million and the maximum award, \$10 million. In the initial allocation of grants, the commissioner shall allocate 20 % of the total amount of funds available for grants to domestic insurers.

A second invitation for grant applications shall be issued in the event that all monies in the fund are not allocated in the first invitation. Under the provisions for a second invitation, the commissioner shall not allocate individual grants less than \$2 million nor in excess of \$10 million, but insurers who have been allocated a grant in response to the first invitation may apply for an additional grant up to the \$10 million limit.

Any remaining monies in the fund shall be returned to the state general fund after the commissioner has finalized all authorized grants.

The total amount of available program funds is whatever the legislature appropriates or makes available to the fund.

To apply for the grants, insurers must write 25% of the net written premium for policyholders whose property was formerly insured by Citizens. At least 50% of the net written premium is required from policyholders whose property is located in parishes included in the federal Gulf Opportunity Zone Act of 2005. At least half of the 25% of net written premium to be received from policyholders who were formerly insured by Citizens must be policyholders whose property is located in the parishes included in the Gulf Opportunity Zone Act of 2005.

The bill also provides compliance criteria for insurers who receive the grant.

The bill awaits gubernatorial consideration.

\* [House Bill 962](#) provides that until

August 15, 2010, Louisiana Citizens Property Insurance Corporation must charge the higher of the actuarially sound rates or the rates equal to the highest of the top 10 insurers with the greatest total direct written premium for residential property insurance in any noncompetitive market until competition resumes. The 10 percent rate in excess of the rates charged among the 10 insurers with the greatest total direct written premium in each parish for that line of business in the preceding year shall not apply to Calcasieu, Cameron, Vermilion, Iberia, St. Tammany, Orleans, Jefferson, St. Bernard, Plaquemines, Terrebonne, and Lafourche.

If the commissioner of insurance is informed that Citizens is writing more than 50 percent of the residential property insurance business in a market, he must determine if a reasonable degree of competition exists in that market. If he finds that a competitive market does not exist, he must inform Citizens' board of directors. Citizens will then use the findings in determining the application of its noncompetitive rating structure to residential property insurance policies in the noncompetitive market. The bill also authorizes the legislative auditor to examine the financial records of the Property Insurance Association of Louisiana, the Louisiana Automobile Insurance Plan, and the Louisiana Citizens Property Insurance Corporation.

The bill awaits gubernatorial consideration.

## **BUILDING CODE**

\* [House Bills704](#) revises the statewide, mandatory building code using the International Residential Code that was passed during the 2005 First Extraordinary Session. Changes include the following:

- ◆ Does away with the three year terms of council members and provides that members of the council shall serve at the pleasure of the governor.
- ◆ Provides that all municipalities and parishes shall use code enforcement officers or certified third-party providers

contracted by the municipality, parish, or regional planning commission to enforce the codes.

- ◆ Further clarifies the intent of the legislature that manufactured housing be governed by the federal standards governing construction and the state standards governing installation.
- ◆ Allows homeowners building their own residence to use certified third-party providers for plans review and inspections.
- ◆ Provides that architects and engineers shall be granted certificates of registration as third-party providers for their specialty.
- ◆ Provides that enforcement of the International Residential Code (IRC) shall only be mandatory with respect to new construction, reconstruction, additions to homes previously built to the code, and extensive alterations. Extensive alteration means:  
An alteration when the total area of all the work areas included in the alteration exceeds fifty percent of the area of the dwelling unit.
- ◆ Adopts the 2006 version of the IRC amended to include the 2003 design criteria. Keeps such version in place until 2009.
- ◆ Provides that the council may adopt rules with respect to soil testing and prohibits the council from adopting Parts of the code that have been excluded by present law.
- ◆ Amends the energy part of the residential code to require that supply and return ducts be insulated to a minimum of R-6 (Instead of the current R-8).

The bill awaits gubernatorial consideration.

## CONSTITUTIONAL AMENDMENTS

Unlike prior years when voters had dozens of constitutional amendments to consider, there are only four on this year's ballot.

- \* [House Bill 260](#) exempts consigned jewelry from ad valorem taxation.

- \* [Senate Bill 2](#) prohibits reduction of state supplemental pay for full-time local law enforcement and fire protection officers.

- \* [Senate Bill 127](#) provides that no future benefit increases for members of the state and statewide retirement systems having an actuarial cost shall be approved by the legislature unless a funding source providing new or additional funds sufficient to pay all such actuarial costs within 10 years of the effective date of the benefit provision is identified.

- \* [Senate Bill 128](#) authorizes the legislature to supplement the uniform pay plans for sworn, commissioned law enforcement officers employed by a bona fide police agency of the state or its political subdivisions and fire protection officers employed by a port authority from any available funds provided the supplement is made available only for full-time officers.

All of these proposed amendments have been filed with the secretary of state and will appear on the October 20, 2007 ballot.

## HEALTH INSURANCE

- \* [House Bill 542](#) creates the Louisiana Children and Youth Health Insurance Program and requires the Dept. of Health and Hospitals (DHH) to use the same simplified enrollment procedures for the program which are used for the La. Medicaid program and the La. Children's Health Insurance Program (LaCHIP) and also provides for additional procedures to simplify the enrollment process. DHH may use income determinations made by the Food Stamp Program, WIC, or the National School Lunch Program to calculate income eligibility for Medicaid or LaCHIP, depending on the outcome of future federal legislation. The legislation



contains a cost-sharing requirement for subsidized insurance for the responsible party of a child enrolled in the program. DHH is also authorized to collect required premiums from the family or responsible party of a child enrolled in the program

The legislation awaits gubernatorial consideration.

## **LOUISIANA HEALTH FIRST**

\* [Senate Bill 1](#) enacts the Health Care Reform Act of 2007 called Louisiana Health First to revamp the state's health care delivery system for Medicaid recipients and low-income uninsured citizens. The Act consists of a medical home system of care which is a health care delivery system that is patient and family centered and is guided by a personal primary care provider who coordinates and facilitates preventative and primary care that improves patient outcomes in the most cost efficient manner possible providing access to appropriate specialty care and inpatient services; provides medical management and provider accountability; emphasizes patient and provider accountability; and prioritizes local access to the health care services. The managed care networks would be overseen by the state and put together by public and private health-care providers. Louisiana Health First would begin as a pilot program in the New Orleans and Lake Charles areas. The proposed law is to be budget neutral or subject to an annual appropriation by the legislature.

The bill defines health information technology as information technology used in health care, including but not limited to electronic health records/electronic medical records, computerized physician order entry, health information exchange, telemedicine, and other relevant information technology deemed appropriate by the secretary of the department.

The bill provides for the adoption of health information technology to fully participate in Louisiana Health First and requires that the department avail itself of any public and private funding available to

implement health information technology.

The department of health would be allowed to establish a mechanism to evaluate and improve the medical home system.

The Department of Health and Hospitals would be required to establish reimbursement methodologies to compensate providers who care for Medicaid recipients and citizens in the medical home system.

Reimbursement of services for low-income uninsured individuals shall be allocated to the greatest extent possible based on the disbursement of the low-income uninsured population statewide.

The bill awaits consideration by the governor.

## **HOSPITAL TRANSFER**

\* [Senate Bill 179](#) seeks to merge the Huey P. Long Medical Center with the LSU Health Sciences Center at Shreveport, and grants all administrative authority to the health sciences center.

The Huey P. Long Medical Center would be operated primarily for the medical care of the uninsured and medically-indigent residents and as a teaching institution. The management of the Huey P. Long Medical Center would become the responsibility of the health sciences center, office of the chancellor.

All medical center employees would be transferred to the health sciences center and all property and materials of the Huey P. Long Medical Center would be transferred to the health sciences center. All liabilities at fiscal year end, accounts payable, payroll payables, outstanding debt, contractual obligations, expenses, obligations at fiscal year end, accounts receivable at fiscal year end, revenues, and similar items shall be deemed to have been transferred to the health sciences center to the same extent as originally made.

The Huey P. Long Medical Center shall be a separate line item within the appropriation schedule.

In the event of a budget deficit or fiscal emergency, neither funds nor personnel shall be

reduced from either the Huey P. Long Medical Center or the health sciences center to offset or compensate for such deficit or emergency in the other center.

The proposed law also provides that the emergency room of the Huey P. Long Medical Center shall not be closed without legislative approval. The Huey P. Long Medical Center would continue to collaborate with and support rural physicians and rural hospitals in the northeast Louisiana area.

Senate Bill 179 establishes the Huey P. Long Medical Center Advisory Council, as well.

The merger would become effective on July 1, 2007, and provides for transitional provisions.

The Louisiana State University at Shreveport and the health care services division (HCSO) of the Louisiana State University Health Sciences Center at New Orleans would enter into a memorandum of understanding to effect the transfer of all of Huey P. Long Medical Center. Additionally, the Louisiana State University Health Sciences Center at Shreveport, through its chancellor, would enter into a cooperative endeavor agreement with Tulane University Health Sciences Center, to include the current residency program in obstetrics offered by Tulane University Health Sciences Center.

Senate Bill 179, which awaits gubernatorial consideration, would become effective upon signature of the governor.

## **PARTIAL BIRTH ABORTION**

\* [House Bill 614](#) prohibits a physician from performing a partial birth abortion unless it is necessary to save the life of the mother.

Any physician convicted of performing a partial birth abortion is subject to imprisonment at hard labor for not less than one year or more than 10 years, a fine of between \$10,000 and \$100,000, or both. A defendant accused of this offense may ask for a hearing before the Louisiana State Board of Medical Examiners and provides that the

findings are admissible at the trial of the defendant.

A woman who has a partial birth abortion is not subject to prosecution.

The bill also provides for certain persons including the father, mother, and the maternal grandparents if the mother is a minor, unless they consented to the procedure to obtain relief through a civil action for injuries or wrongful death.

The bill awaits gubernatorial consideration.

## **ART & MUSIC IN SCHOOLS**

\* [Senate Bill 299](#) (*Act 175*) requires the state Board of Elementary and Secondary Education to develop and implement both a visual arts curriculum and a performing arts curriculum in public schools

The proposed law requires BESE to collaborate with the Department of Culture, Recreation and Tourism to develop curriculum guidelines by July 1, and for professional development and training for teachers, school administrators, and professional practicing artists during the 2008-2009 school year. A pilot arts programs would be implemented during the 2009-2010 school year. Full implementation of the arts curriculum would begin in the 2010-2011 school year for all public school students K-8, who would receive 60 minutes of arts instruction a week

Beginning with the 2010-2011 school year, all public high schools would be required to offer instruction in visual and performing arts.

Finally, the arts program is subject to legislative appropriation of funds.

## **SUPPLEMENTAL PAY**

\* [House Bill 4](#) would increase the current supplemental pay for municipal police, firefighters and deputy sheriffs from \$300 per month to \$425 per month. This includes full-time harbor police officers, fireboat employees, and bridge police officers who are paid at least \$800 per month, and who have completed one year of service and are

post-certified.

Additionally, salaries for commissioned Wildlife and Fisheries law enforcement agents; commissioned law enforcement officers of Public Safety and Corrections; and commissioned law enforcement officers employed by public institutions of higher education would be increased by an amount equal to the supplemental pay increase, subject to State Civil Service Commission approval and appropriations. Further provides supplemental pay for no more than 10 firemen employed by the Coushatta Indian Tribe of Louisiana and for 13 law enforcement officers of the Tunica-Biloxi Tribe of Louisiana. State Police salaries would not be included in the pay increase.

The bill has been sent to the governor.

## VOTING/ELECTION LAWS

\* [Senate Bill 105](#) permits voter-qualified senior citizens over the age of 65 and physically disabled qualified voters who submit a mobility impaired identification card to the registrar of voters to vote absentee by mail.

The applicant's eligibility to vote absentee by mail is valid for one year. The registrar would be required to notify such voters in writing of the date the application becomes invalid.

The legislation awaits gubernatorial consideration.

\* [House Bill 248](#) extends the time in which early voting application and early voting may occur. Under present law, early voting is defined as the period of time 12 days to six days prior to any scheduled election. This legislation changes the time period to 14 days to seven days prior to any scheduled election. The bill also provides that any election expenses incurred by the registrar of voters and any of his permanent staff for working any Saturday on which early voting is conducted will be paid by the state.

The bill has been sent to the governor for consideration.

\* [House Bill 347](#) increases the pay for election commissioners-in-charge and certified commissioners who serve at polling places on election day. The compensation for a commissioner-in-charge will be \$250, however, a commissioner-in-charge who serves at more than one precinct will receive \$300. A commissioner who receives general training will receive \$100 and a commissioner who receives specific training for a particular election they are working, will receive \$200.

The bill awaits gubernatorial consideration.

## CRIME

\* [House Bill 21](#) (*Act 62*) provides that convictions for the crime of stalking are not subject to probation, parole, or suspension of sentence or expungement. The bill also increases certain stalking penalties. One increase is in the case of anyone who stalks a victim under the age of 18. Currently, that penalty is imprisonment for not more than one year, with or without hard labor and a fine of not more than \$2,000 or both. The proposed law increases the penalty to not more than three years and retains the fine. The penalty is also increased for anyone who is found, beyond a reasonable doubt, to have placed the victim in fear of death or bodily injury by actually using or having in his possession a dangerous weapon or has placed the victim in reasonable fear of death or bodily injury. The current fine of \$1,000 or imprisonment with or without hard labor, or both is increased to not less than one year nor more than five years with or without hard labor without benefit of probation, parole, or suspension of sentence. If the victim is under the age of 18 (unless the stalker is 13 or older and the victim is 12 or younger) the penalty is imprisonment for not less than two years nor more than five years, with or without hard labor, without benefit of probation, parole, or suspension of sentence. The fine is not less than \$1,000 nor more than \$2,000.

A second conviction within seven years of a prior conviction carries a penalty of



imprisonment, with or without hard labor, for not less than 5 years nor more than 20 years, without benefit of probation, parole, or suspension of sentence. A third or subsequent conviction would carry a penalty of not less than 10 years nor more than 40 years, with or without hard labor, and a fine of not more than \$5,000.

A third or subsequent offense carries a penalty of imprisonment for not less than 10 years and not more than 40 years and a fine of not more than \$5,000.

\* [House Bill 969](#) creates the crime of prohibited sexual contact between an educator and a student when the victim is 17 years of age or older, but less than 19 years of age, when the victim is not the spouse of the offender and is a student at the school where the educator is assigned, employed or working at the time of the offense. Under the legislation, consent of a student 17 years of age or older or not knowing the student's age are not defenses.

Penalties include a fine of not more than \$1,000 or imprisonment for not more than six months, or both. Second or subsequent offenses carry a fine of not more than \$5,000 and imprisonment, with or without hard labor, for one to five years.

The bill awaits gubernatorial consideration.

\* [Senate Bill 147](#) (*Act 125*) would provide a district attorney the option to seek a capital verdict or to not seek a capital verdict against an offender who has committed first degree murder, in accordance with the determination of a jury.

If the district attorney seeks a capital verdict, the punishment would be the same as present law. If the district attorney does not seek a capital verdict, the offender shall be punished by life imprisonment at hard labor without benefit of parole, probation or suspension of sentence.

## IDENTITY THEFT

\* [House Bill 460](#) would increase penalties for the crime of identity theft when committed against anyone 60 years of age or older or disabled persons.

For thefts valued at \$1,000 or more, the minimum mandatory imprisonment penalty would be increased from two to three years. For thefts valued at \$500 or more, but less than \$1,000, the minimum mandatory imprisonment penalty would be increased from one year to two years. For thefts valued at \$300 or more, but less than \$500, the minimum mandatory imprisonment would be increased from six months to one year.

The bill creates a minimum mandatory penalty of imprisonment of six months, with or without hard labor for first-time offenders, and increases the minimum mandatory imprisonment penalty from six months to one year for subsequent offenses.

These increased imprisonment penalties would be imposed in addition to fines outlined in present law.

The bill awaits gubernatorial consideration.

## DWI

\* [House Bill 652](#) provides for the installation of ignition interlock devices and increases the time for suspension of driver's licenses in alcohol-related motor vehicle offenses.

This legislation requires the Department of Public Safety and Corrections (DPS&C) to increase the driver's license suspension period from 90 days to 12 months for anyone sentenced for first offense vehicular negligent injuring or for operating a motor vehicle while under the influence of alcohol, narcotics or stimulants. The proposed law includes drivers under 21 years of age in this enhanced suspension requirement. Currently, suspension for those under 21 is 180 days.

The proposed law increases the driver's license suspension period from 12 to 24 months in cases of manslaughter, vehicle homicide, or

negligent homicide resulting from the operation of a motor vehicle.

For a third offense vehicular negligent injuring or DWI conviction, the bill increases the suspension period from 24 months to 36 months.

A licensee who has been issued a restricted license by the court is required to use a motor vehicle equipped with an ignition interlock device during the course of the term of the restricted license when the suspension of driving privileges is due to operating a vehicle under the influence. House Bill 652 adds a provision to give credit for the time when the interlock device was installed and functioning as part of the restricted driver's license.

Under present law, any licensee who has had his license suspended for a first or second offense DWI is eligible for a restricted license. Under House Bill 652, suspension and reinstatement shall be considered as a first suspension and driving privileges of the licensee shall be restricted for a period of 12 months.

Additionally, the licensee must show a proof of need to receive the restricted license and then be eligible for an ignition interlock restricted license.

The bill has been sent to the governor.

## **TOPS ELIGIBILITY**

\* [House Bill 634](#) retains the minimum core-curriculum grade point average (GPA) requirement of 2.50 for the TOPS Opportunity Award but changes the core-curriculum GPA required for Performance and Honors awards from 3.50 to 3.00 on a 4.00 scale for students who graduate during the 2007-2008 school year and thereafter.

Present law requires a home study program student to have an ACT composite score at least two points higher than that required of a student graduating from a Louisiana public high school or BESE-approved nonpublic high school to be eligible for any TOPS award. This requirement, under present law, is in effect only through the 2007-

2008 school year. Thereafter, such a student would be required to have a composite ACT (or equivalent) score at least three points higher than that required of a student graduating from a Louisiana high school or BESE-approved nonpublic high school. The proposed law retains the present law for the 2007-2008 school year. However, this legislation changes the requirement for the 2008-2009 school year requiring a home study program student to have a minimum ACT composite score (or equivalent) at least two points higher than that required for school students and a minimum composite score at least one point higher to qualify for a Performance or Honors award.

The bill has been signed by the Speaker.

## **SCHOOL BUS SAFETY**

\* [House Bill 157](#) requires all school buses to be equipped with a crossing control device by January 1, 2008. The law is subject to the appropriation of funds and the state is not required to reimburse local school boards that have expended funds to implement this proposed law requires the state to reimburse local school boards that have expended funds to implement the proposed law.

The bill awaits the governor's consideration.

## **CRIMINAL PROCEDURE**

\* [House Bill 313](#) increases the time for filing an indictment for certain felony offenses when a defendant from 60 days to 120 days for indictment for felony offenses for which the punishment may be death or life imprisonment.

The bill awaits gubernatorial consideration.

## **COCKFIGHTING**

\* [House Bill 108](#) bans cockfighting effective August 15, 2008. A ban on betting on cockfighting, [Senate Bill 221](#), also passed.

The bills have been sent to the governor for consideration.

## **TOURISM**

\* Under present law, the Louisiana Tourism Promotion District has the authority to levy a sales and use tax at no more than 3/100 of one cent. There is a cap, however, on the amount of this tax that can be used to promote the industry through media advertisement such as magazine, television, radio, billboard, and newspaper ads.

[House Bill 270 \(Act 30\)](#) would remove this cap. The Act becomes effective July 1, 2007.

## **CRIME/PUNISHMENT**

\* [Senate Bill 147 \(Act 125\)](#) provides a district attorney the option to seek a capital verdict or to not seek a capital verdict against an offender who has committed first degree murder, in accordance with the determination of a jury.

If the district attorney seeks a capital verdict, the punishment would be the same as present law. If the district attorney does not seek a capital verdict, the offender shall be punished by life imprisonment at hard labor without benefit of parole, probation or suspension of sentence.

The Act is effective August 15, 2007.

## **INDIGENT DEFENSE**

\* Under Louisiana's Constitution, every person accused of a crime is entitled to be represented by counsel of his choice , or counsel appointed by the court if he is indigent and charged with an offense punishable by imprisonment.

[HB 436](#) provides for a revision of the indigent defender system in Louisiana by renaming the existing Louisiana Indigent Defense Assistance Board the Louisiana Public Defender Board and by providing that the board has the authority to adopt rules establishing mandatory standards and guidelines for the delivery of indigent defender services. The bill repeals provisions creating the 41 judicial district indigent defender boards. The district level delivery of indigent defender services and the chief indigent

defender of each district will remain the same, except that those districts will now be subject to the standards and guidelines adopted by the board, training requirements, and will also have regular reporting requirements to the board regarding district operations and expenses.

The bill also requires that the board be comprised of members who reflect the racial and gender makeup of the general population to the extent practicable.

The bill awaits gubernatorial consideration.

## **"DOCTOR SHOPPING"**

\* [House Bill 213](#) provides penalties for the practice by an individual to intentionally obtain a second prescription for a controlled dangerous substance or Carisoprodol without disclosing the first subscription to the second health care practitioner.

A person who seeks an additional prescription for a controlled dangerous substance or the legend drug Carisoprodol would be required to disclose the existing prescription to the practitioner. The disclosure of the existing prescription must be made in writing and made part of that person's medical record. The written disclosure shall include the name of the controlled dangerous substance, the date of the prescription, the amount of the controlled substance prescribed, and the number of refills, if any.

The failure of a practitioner to request the disclosure is not a violation.

Violators of the proposed law would be subject to imprisonment, with or without hard labor, for not more than five years, and may be sentenced to pay a fine of not more than \$5,000.

The legislation awaits gubernatorial consideration.

## **INFRASTRUCTURE BANK**

\* [Senate Bill 301](#) provides for the Louisiana Infrastructure Bank Fund, created to fund or assist in funding eligible infrastructure projects of municipalities, political subdivisions, and public entities through a revolving loan fund,

to be capitalized by federal grants, state funds when required or available, and other funds generated by the operation of the fund.

Senate Bill 301 has been sent to the governor.

## **EXPULSION FOR STUDENT OFFENSES**

\* Present law requires any school system unable to comply with providing alternative education programs for suspended and expelled students for economically justifiable reasons may apply to the board on a school year to school year basis for a waiver from these requirements. [Senate Bill 265](#) provides BESE shall not accept or approve any waiver applications effective with the 2008-2009 school year and thereafter.

Senate Bill 265 awaits gubernatorial consideration.

## **COASTAL RESTORATION AND PROTECTION**

\* [Senate Bill 146](#), the Windfall Highway, Infrastructure, and Protection Fund, dedicates excess mineral revenues to highway infrastructure, hurricane protection, and coastal restoration projects.

Beginning with the 2008-2009 fiscal year, 25% of all mineral revenues received in each fiscal year in excess of the amount of mineral revenues required to be deposited in the Budget Stabilization Fund to be credited to the Windfall Highway, Infrastructure, and Protection Fund to be appropriated by the legislature for use solely for construction costs of those projects for roads, highways, bridges, ports, hurricane protection and/or coastal conservation and restoration. Beginning July 1, 2009, 50% of such revenues are to be credited to the fund. The law also requires the money in the fund to be invested by the treasurer and all unexpended and unencumbered money in the fund at the end of the year is to remain in the fund. The legislation specifies the uses of the funds. Revenues from mineral production activity or

leasing activity on the Outer Continental Shelf are excluded.

The bill awaits gubernatorial action.

\* [Senate Bill 53](#) creates the 15 member Louisiana Coastal Protection and Restoration Financing Corporation, whose purpose is to carry out the financing, purchasing, owning and managing of offshore royalty revenues for coastal restoration and protection. Senate Bill 53 has been sent to the governor's desk.

## **FAILED TO PASS**

\* [House Concurrent Resolution 4](#), calling for ratification of the proposed Equal Rights Amendment to the U.S. Constitution, was defeated by the House Civil Law Committee.

\* [House Concurrent Resolution 171](#), which asked the Louisiana State University Board of Supervisors to relocate the LSU School of Medicine at New Orleans to Baton Rouge, failed to pass the House Health and Welfare Committee.

\* [House Bill 6](#), which would have changed the hours the polls are open on election day to 7 a.m. until 7 p.m. instead of 6 a.m. until 8 p.m., the hours they are currently open, failed to pass the House & Governmental Affairs Committee.

\* [House Bill 99](#), which would have prohibited cell phone use in a school zone, failed House passage by a vote of 43-48.

\* [House Bill 185](#) which would have allowed a petition to be filed with the municipal or parish governing authority opposing the issuance of a liquor license by five adult residents who live within 500 feet of where the alcohol is proposed to be sold. The petition would be grounds for the governing authority to deny the permit.

The bill failed to pass the House Judiciary Committee.

\* [House Bill 280](#) would have required cigarettes to be kept behind the counter at a retail outlets with exceptions.

The bill was involuntarily deferred by the House Judiciary Committee.

\* [House Bill 537](#) would have permitted smoking in bars in private clubs.

The bill died in the House Health & Welfare Committee.

\* [House Bill 598](#) would have prohibited the administration of the LEAP test to fourth and eighth grade public school students prior to May 1 of each year.

The bill failed to pass the House Education Committee.

\* [House Bill 601](#) would have adopted the International Plumbing Code as the State Sanitary and State Plumbing Code. The bill was defeated in the House Commerce Committee.

\* [House Bill 623](#) would have established the Vouchers for Students Pilot Program.

The bill was involuntarily deferred in the House Education Committee.

\* [House Bill 649](#) provided for a property insurance "Policyholder's Bill of Rights" and created an office of insurance consumer protection in the governor's office to represent consumers before the Louisiana Insurance Rating Commission and the commissioner of insurance and to report to the legislature.

The bill died on the House floor.

\* [House Bill 722](#) would have dedicated monies (3.9% of state sales tax on vehicles and vehicle registration tax on trucks and trailers) to accounts within the Transportation Trust Fund and specified use of those monies.

The bill died in Senate committee.

\* [House Bill 730](#) would have required statewide and other elected officials, including

members of the legislature, appointed officials, and members of the Board of Ethics, to disclose certain income, compensation, or financial transactions of the official or his spouse. The bill would have also required candidates for statewide office and the legislature to file financial disclosure statements with the Board of Ethics at the time of qualifying.

The bill died in conference committee.

\* [House Bill 747](#) would have established rules and regulations for the operation of all terrain vehicles (ATVs) for children under the age of 16 and prohibits children under 6 from operating such vehicles.

The bill failed House passage by a vote of 51-40 and was returned to the calendar, subject to call.

\* [House Bill 786](#) would have prohibited teenage drivers from driving with more than one passenger under the age of 20 in the vehicle, unless all passengers are members of the driver's family.

House Bill 786 failed to pass the House by a vote of 38-60.

\* [House Bill 824](#) would have allowed smoking in some restaurant bars.

The bill was involuntarily deferred in the House Health & Welfare Committee.

\* [Senate Bill 93](#) would have required certain mental illnesses to be covered under health insurance policies.

The bill failed to pass the House Insurance Committee.

\* [Senate Bill 155](#) provides for a refundable state tax credit equivalent to 10 % of the federal child tax credit provided by the IRS, effective for tax periods beginning on and after January 1, 2008. The bill repeals the \$25 per child tax credit for educational expenses in present law.

The bill died on the House floor.